

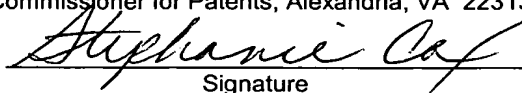
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING OR TRANSMISSION

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Date of Deposit: February 6, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR, Section 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, Alexandria, VA 22313-1450 by

  
Signature

**Present Application:**

Applicants: Peter L. Collins, Brian R. Murphy, Alison Bermingham

Title: Production of Attenuated Respiratory Syncytial Virus Vaccines  
Involving Modification of M2 ORF2

Atty Dkt No.: 2303-28-5

**Pending Prior Application:**

Applicants: Peter L. Collins, Brian R. Murphy, Alison Bermingham

Serial No.: 09/611,829

Filing Date: July 7, 2000

Title: Production of Attenuated Respiratory Syncytial Virus Vaccines  
Involving Modification of M2 ORF2

Examiner: Stacy Chen  
Unit: 1648

Atty Dkt No.: 2303-28-3

**REQUEST FOR FILING APPLICATION UNDER 37 CFR 1.53(b)**

This is a request for filing a continuation  X , continuation-in-part  , or divisional   application under 37 CFR 1.53(b) of pending prior application identified above.

1.  X  A filing date in accordance with 37 CFR 1.10 is requested. (Express mail certificate appears on this transmittal letter.)
2.  X  A true copy of the prior application (reformatted to meet PTO specifications) and declaration as originally filed is enclosed. (See Nos. 11 and 12 for drawing requirements.)

3. ☒ The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW,  
PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT, IF ANY

	Number Filed		Number Extra		Basic Fee \$ 770.00
Total Claims	88	- 20 =	68	X \$18/\$9 =	\$1,224.00
Independent Claims	8	- 3 =	5	X \$86/\$43 =	\$ 430.00
Multiple Dependent Claims	---	---	\$260/\$130=		0
Total Filing Fee					<u>\$2,424.00</u>

4. ☐ Applicant claims small entity status.
5. ☒ No fee is enclosed at this time.
6. ☐ Please charge any deficiency in the filing fee or credit any overpayment to Deposit Account 07-1897.
7. ☐ Enter the amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 but unentered in the prior application.
8. ☐ A preliminary amendment canceling claims \_\_\_\_\_ and adding new claims \_\_\_\_\_ is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application and have been included in the calculation of the filing fee set forth above.)
9. ☐ Cancel in this application original Claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
10. ☒ Amend the specification by inserting after the title the following sentence:  
--This is a ☒ continuation, ☐ continuation-in-part, ☐ divisional of the prior application Serial No. 09/611,829, filed July 7, 2000, which claims benefit of U.S. Provisional Serial No. 60/143,097 filed July 9, 1999, the benefit of the filing date of which is hereby claimed under 35 USC 120.--
11. ☐ Transfer the drawings from prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- 12a. ☒ New formal drawings (6 sheets) identical to those originally filed in the prior application are enclosed.

- 12b. ☐ Informal drawings (☐ sheets) identical to those originally filed in the prior application are enclosed.
13. ☒ Priority of U.S. application Serial No. 09/611,829, filed on July 7, 2000, is claimed under 35 USC 120.
14. ☐ Priority of application Serial No.  filed on , 19  , in   (country)    is claimed under 35 USC 119.
15. ☒ The prior application is assigned to The Government of the United States of America, as Represented by The Department of Health and Human Services; Reel 011148; Frame 0981.
16. ☐ The original power of attorney in prior application is to: , and all attorneys associated with Customer Number 000996. The power appears in the original papers in the prior application (copy enclosed).
17. ☐ A second power of attorney in prior application is to: . The second power appears in the original papers in the prior application.
18. ☐ An associate power of attorney is enclosed.
19. ☒ Also enclosed: Information Disclosure Statement and PTO-1449 Form w/o references, as filed in prior application

Please address all future correspondence to the undersigned at the below address.

Respectfully submitted,

  
\_\_\_\_\_  
Jeffrey J. King  
Attorney for Applicant  
Registration No. 38,515  
155 - 108th Avenue NE, Suite 350  
Bellevue, WA 98004-5901  
(425) 455-5575

PATENT APPLICATION - CERTIFICATE OF EXPRESS MAILING

Inventors: Peter L. Collins, Brian R. Murphy, Alison Bermingham

Title of Invention: Production of Attenuated Respiratory Syncytial Virus  
Vaccines Involving Modification of M2 ORF2

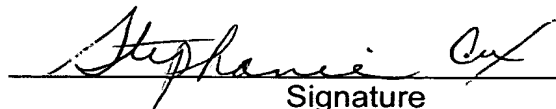
Attorney Dkt. No.: 2303-28-5

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Signature

Enclosures:

Transmittal Letter  
Patent Application ( 111 pages)  
Drawings ( 6 sheets)  
Information Disclosure Statement and PTO-1449 w/o references  
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